

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0094 MAD Tillman Therapy **Z. P. C. DATE:** 10-02-2012

ADDRESS: 11007 FM 2222 **AREA:** 1.62 acres

APPLICANT: MAD Tillman, Inc. (Michael Tillman)

AGENT: LOC Consultants, Inc. (Sergio Lozano)

NEIGHBORHOOD PLAN AREA: N/A **CAPITOL VIEW:** No

T.I.A.: No **HILL COUNTRY ROADWAY:** Yes

WATERSHEDS: West Bull Creek/Panther Hollow **DESIRED DEVELOPMENT ZONE:** No

ZONING FROM: SF-2 Single Family Residential, Standard Lot

ZONING TO: GR - Community Commercial

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of GR-CO, Community Commercial, Conditional Overlay zoning. The Conditional Overlay would limit the number of daily vehicle trips to 2,000. If the requested zoning is granted, then up to 70 feet of right-of-way should be dedicated from the existing centerline of FM 2222 in accordance with the Transportation Plan.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for GR-CO combining district zoning, was approved on the consent agenda by Commissioner Seeger's motion, Commissioner Rojas seconded the motion on a vote of 5-0, with Commissioner Banks absent and one vacancy.

DEPARTMENT COMMENTS:

This segment of FM 2222, between FM 620 and Riverplace Drive, has undergone a ten year transformation to predominantly Community Commercial (GR) zoning. This trend to move to Community Commercial zoning dates back to 1998 and there have been approximately thirteen zone change requests that have all been granted Community Commercial (GR) zoning by the Planning Commission and the City Council. There is a map that depicts the parcels that have been granted GR zoning since 1998 in your back up. This case originally came before the Zoning and Platting Commission on September 1, 2009 under case number C14-2009-0069 and was approved on the Consent Agenda by Commissioner Baldrige's motion, Commissioner Rabago's second of the motion on a vote of 7-0. The case was approved on first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning on Council Member Spelman's motion, Council Member Cole's second on a 7-0 on October 1st, 2009. However the case expired prior to second and third reading. This site is located within the Hill Country Roadway Corridor FM 2222 and therefore requires Zoning and Platting Commission review prior to site plan approval and release.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2	Pool Maintenance Shop
North	GR-CO	Undeveloped
South	R&D-PDA	Research Campus
East	SF-2	Automotive Repair
West	R&D-PDA	Research Campus

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0027	From I-SF-2 to GR	Approved staff's recommendation for GR. (7-0)	Approved staff's recommendation for GR. (7-0) All 3 readings.
C14-01-0057	From SF-2 to GR-CO	Approved staff's recommendation for GR-CO. (6-2)	Approved staff's recommendation for GR-CO. (6-0) All 3 readings.
C14-98-0268	From I-RR to GR-CO	Approved staff's recommendation for GR-CO. (6-1-1)	Approved staff's recommendation for GR-CO. (7-0) All 3 readings.

BASIS FOR RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting GR zoning for the subject tract will be compatible with adjacent uses and adjacent zoning in the area.

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- Glenlake HOA
- Long Canyon HOA
- 2222 Coalition of Neigh. Assoc.
- Courtyard HOA
- River Place Comm. Assoc.
- Middle Bull Creek HOA
- Steiner Ranch HOA
- Long Canyon II HOA
- Canyon Creek HOA

SCHOOLS:

- Grand View Hills Elementary School
- Canyon Ridge Middle School
- Leander High School

SITE PLAN:

SP 1. There's an existing site plan application for this site. It's for the construction of a 3116 square foot medical office, surface parking, water quality and detention pond and associated improvements. (SPC-2011-0329C)

SP 2. This zoning change to GR will need to be approved before the site plan is approved and released.

SP 3. This site is located within the Hill Country Roadway Corridor FM 2222 and therefore requires Zoning and Platting Commission review prior to site plan approval and release. Additional comments are made with the site plan application under review.

SP 4. Any improvements on the site will require compliance with Subchapter E, Commercial Design Guidelines. Additional comments are made with the site plan application under review.

SP 5. The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

ENVIRONMENTAL:

1. The site is located over the Edwards Aquifer Recharge Zone. This site lies on or very close to the divide between the Panther Hollow (Water Supply Rural) Watershed and the Bull Creek (Water Supply Suburban) Watershed, both of which fall within the Drinking Water Protection Zone. A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.

2. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

4. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.
5. According to floodplain maps there is no floodplain in or within close proximity of the project location.
6. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.
7. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

Following are the comments for the individual watershed classifications:

Panther Hollow – Water Supply Rural

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

Bull Creek – Water Supply Suburban

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

TRANSPORTATION:

- TR1.** The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for FM 2222. If the requested zoning is granted, then up to 70 feet of right-of-way should be dedicated and from the existing centerline of FM 2222 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
FM 2222	78'	MAU 4	Arterial	No	No	No

CITY COUNCIL DATE: November 1st, 2012

ACTION:

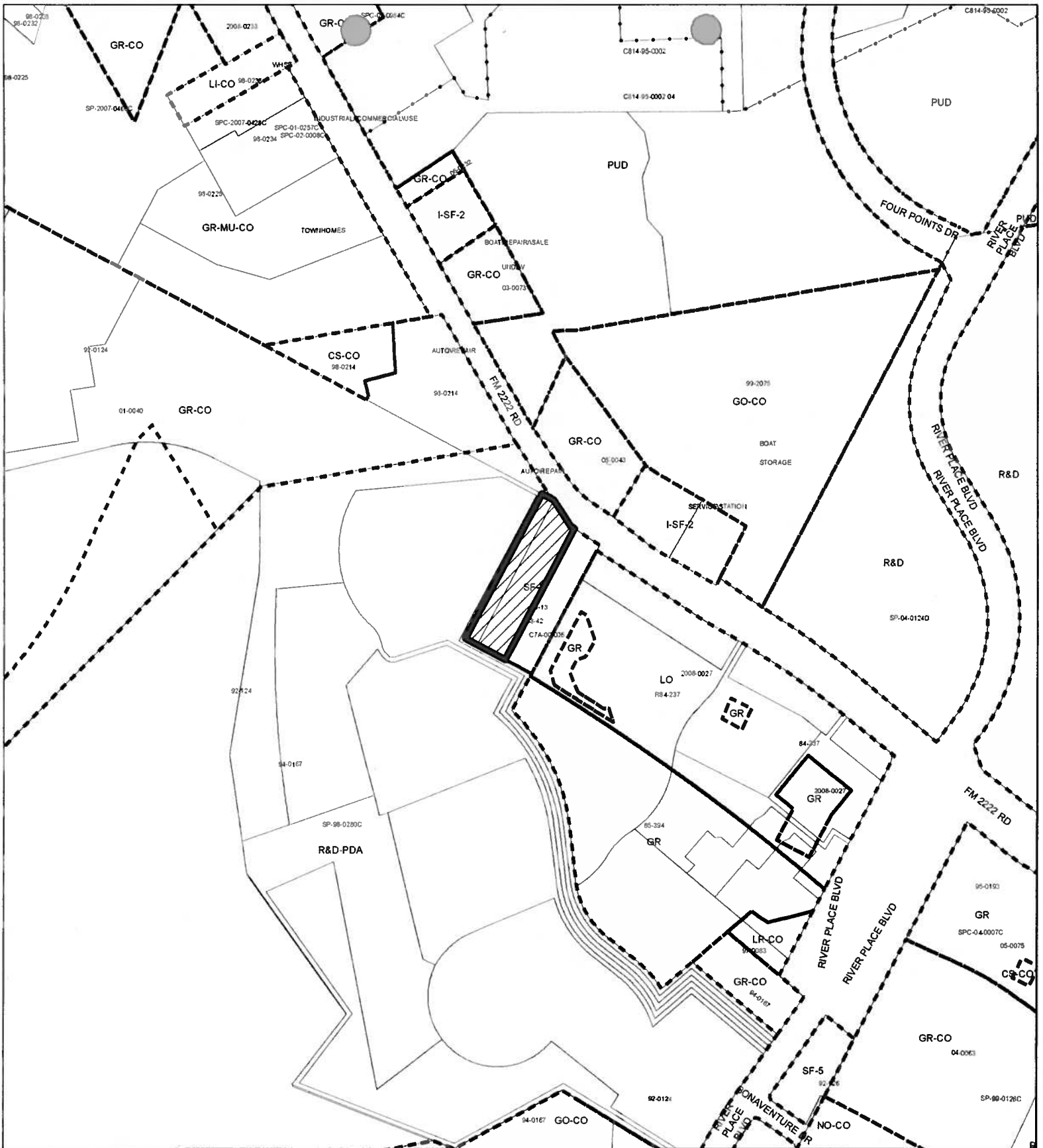
ORDINANCE READINGS: 1ST

2ND

3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson Clark.patterson@ci.austin.tx.us **PHONE:** 974-7691






ZONING

ZONING CASE#: C14-2012-0094



1" = 400'

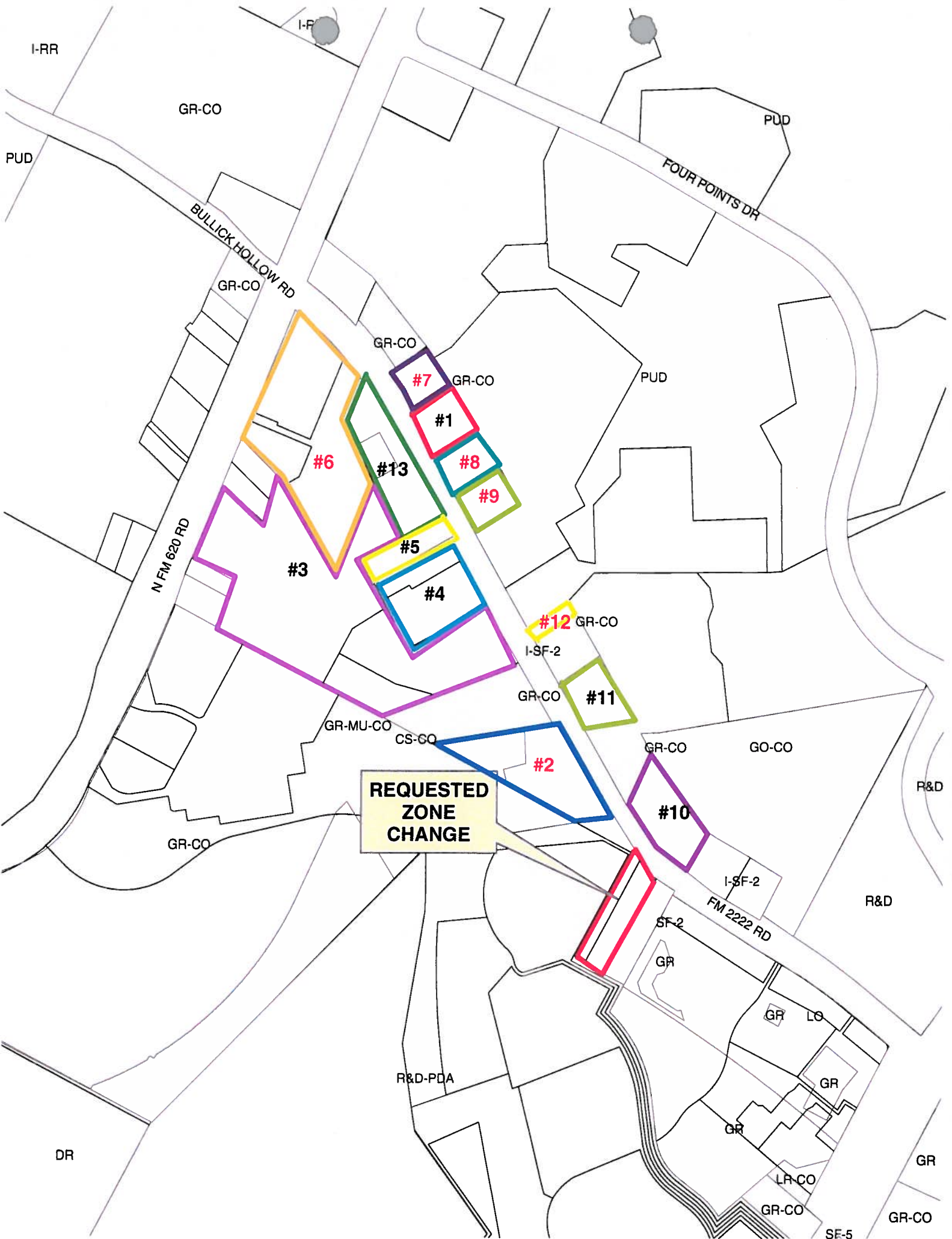
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







STREET DEED

Grantor: MAD Tillman

Grantor's Mailing Address :
2519 Lakeline Boulevard #100
Cedar Park, Texas, 78613

Grantee: City of Austin, a municipal corporation situated in Hays, Travis and Williamson Counties Texas

Grantee's Mailing Address :
P.O. Box 1088
Austin, Travis County, Texas 79767-1088
ATTN: Planning and Development Review Department
Case No. SPC-2011-0329C

Consideration: Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property: The Property described on the attached and incorporated EXHIBIT "A" is conveyed for street purposes ("Property").

Conveyance: Grantors, for the consideration here in before stated and subject to any reservations from and exceptions to conveyance and warranty stated herein, **GRANT, SELL AND CONVEY** to Grantee the Property, together with all and singular the rights an appurtenances thereto in any wise belonging, to have and hold it to Grantee's successors or assigns forever.

Grantors binds Grantors and Grantor's heirs, executors, administrators, successors, and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part hereof. When the context requires, singular nouns and pronouns include plural.

Executed on this 19 day of September, 2012.

GRANTOR:


Michael Tillman

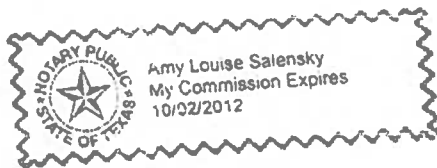

David Tillman

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me Amy Salensky, Notary Public, on this day personally appeared Michael and David Tillman, owners known to me to through driver's license number to be the persons whose names are subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on September 19, 2012.



[Signature]

ACCEPTED: PLANNING AND
DEVELOPMENT REVIEW DEPARTMENT

CITY OF AUSTIN

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

By: _____

Lienholder Consent to Grant of Street Deed

STATE OF TEXAS §
COUNTY OF TRAVIS §

Recitals:

MAD Tillman, is the Owner of the following property:

That tract of land situated in Travis County, Texas described in the attached and incorporated **EXHIBIT "A"** ("Property").

Horizon Bank SSB ("Lienholder")*holds a lien against the Property under the following described document.

Warranty Deed with Vendor's Lien** date June 8, 2011 from **Lake Travis Professional Center** to **MAD Tillman, Inc.** securing the payment of one promissory note of even date in the original principal amount of \$1,057,500.00, payable to **Lienholder** of record in Document Number 2011083703, of the Official Public Records of Travis County, Texas.

Owner has granted to the City of Austin ("City") a Street Deed against and running with the Property.

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. **Horizon Bank, SSB** consent to the grant of Street Deed against and running with the Property, which is executed contemporaneously herewith.
2. **Lienholder** subordinates all of its liens on this property to the rights and interest of the City, its successor and assigns, and any foreclosure of its lien will not extinguish City's rights and interest in the Street Deed or the Property.
3. **Lienholder** affirms that the undersigned has the authority to bind the Lienholder, and that all the corporate acts necessary to bind the Lienholder have been taken.

Executed on 9/24, 2012

Horizon Bank, SSB
Type & state of bank:

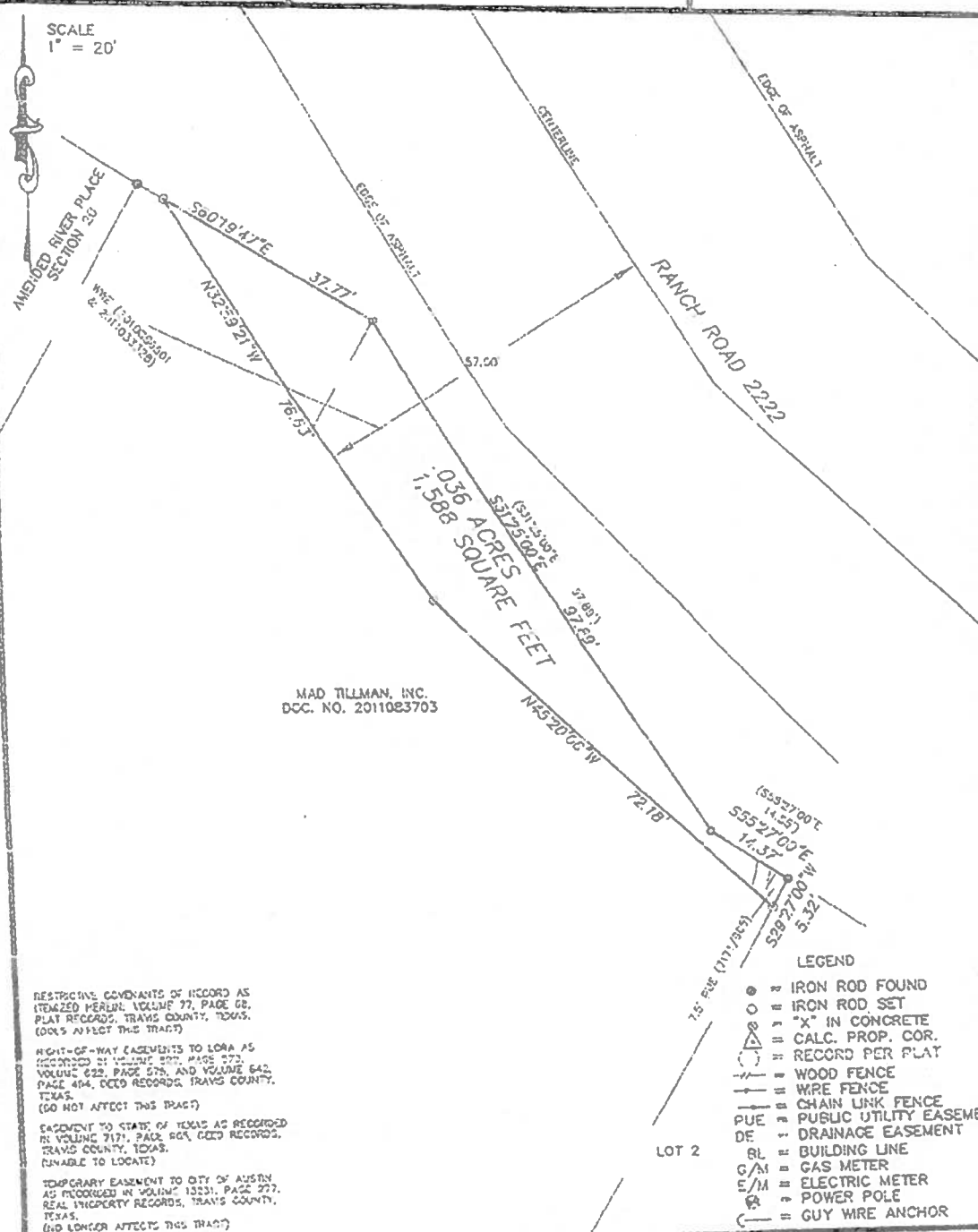
By: [Signature]
Name: GUILL PERRY
Title: SVP

CELCO SURVEYING
TEL: 830-214-5109
FAX: 866-571-8323

SURVEY PLAT

2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130

SCALE
1" = 20'



RESTRICTIVE COVENANTS OF RECORD AS
RECEIVED HEREIN, VOLUME 77, PAGE 68,
PLAT RECORDS, TRAVIS COUNTY, TEXAS.
(DOES NOT AFFECT THIS TRACT)

RIGHT-OF-WAY EASEMENTS TO LORA AS
RECORDED IN VOLUME 800, PAGE 573,
VOLUME 822, PAGE 575, AND VOLUME 842,
PAGE 414, DEED RECORDS, TRAVIS COUNTY,
TEXAS.
(DO NOT AFFECT THIS TRACT)

EASEMENT TO STATE OF TEXAS AS RECORDED
IN VOLUME 717, PAGE 565, DEED RECORDS,
TRAVIS COUNTY, TEXAS.
(UNABLE TO LOCATE)

TEMPORARY EASEMENT TO CITY OF AUSTIN
AS RECORDED IN VOLUME 13231, PAGE 277,
REAL PROPERTY RECORDS, TRAVIS COUNTY,
TEXAS.
(DO NOT AFFECT THIS TRACT)

ADDRESS: R.M. 2222, AUSTIN, TEXAS

LEGAL DESCRIPTION: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

CERTIFICATION

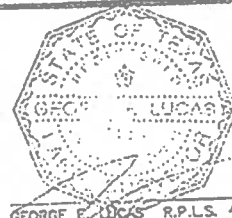
THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS
PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY
SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS,
EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY,
EXCEPT AS SHOWN HEREON.

BUYER: N/A
TITLE CO: N/A
C.P.#: N/A

LENDER: N/A

PLAN No.: 2011-266

SURVEY DATE: AUGUST 30, 2012



FIELD NOTE DESCRIPTION FOR A 0.036 ACRE TRACT:

BEING A 0.036 ACRE TRACT OR PARCEL OF LAND BEING OUT OF AND A PART OF THE BANYON PAYNE SURVEY NO. 28, IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF A TRACT OF LAND CONVEYED TO MAD TILLMAN, INC. IN A DEED RECORDED IN DOCUMENT NO. 2011083703, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found for the northeast corner of this tract and the northeast corner of Lot 3 of Bull Creek Place, a subdivision in Travis County, Texas as recorded in Volume 77, Page 68, Plat Records, Travis County, Texas, and the northwest corner of Lot 2, and being a point in the southwest right-of-way line of Ranch Road 222, and which point is also POINT OF BEGINNING of the herein described tract:

THENCE with the southeast line of this tract and of Lot 3 South 29°27'00" West at a distance of 5.32 feet to a 1/2" iron rod set for the southeast corner of this tract;

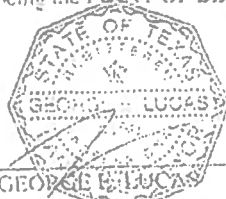
THENCE with the southwest line of this tract across the Mad Tillman tract the following two calls:

1. North 45°20'06" West at a distance of 72.18 feet to a 1/2" iron set;
2. North 32°59'21" West at a distance of 76.63 feet to a 1/2" iron set for the west corner of this tract;

THENCE with the northeast line of this tract and the southwest right-of-way line of Ranch Road 2222 the following three calls:

1. South 60°19'47" East at a distance of 37.77 feet to a 1/2" iron found;
2. South 31°25'00" East at a distance of 97.89 feet to a 1/2" iron found;
3. South 55°27'00" East at a distance of 14.37 feet to a 1/2" iron rod found, and

being the POINT OF BEGINNING, containing 0.036 acres of land, more or less.



GEORGE E. LUCAS
R.P.L.S. No. 1160
State of Texas
August 30, 2012